

## **COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF JANUARY 7, 2016**

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Vande Linde at 6:30 p.m. on Thursday, January 7, 2016, in the Council Chambers.

Members Present: Chairman Aaron Vande Linde, Commissioners Ronald Bradley, Teri Spano-Madden, Trish Thorup and Tracy Wigen

Members Absent: None

Staff Present: Assistant City Attorney Melissa Westervelt, Neighborhood Coordinator Kristin Degrande, Housing Inspector Leah Drabczak, Property Maintenance Inspector Heather Rodgers and Property Maintenance Inspector Trevor White

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### CALL TO ORDER

Chairman Vande Linde called the meeting to order at 6:31 p.m.

### APPROVAL OF THE JANUARY 7, 2016, AGENDA

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO APPROVE THE JANUARY 7, 2016, AGENDA AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

### APPROVAL OF THE NOVEMBER 5, 2015, MEETING MINUTES

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, TO APPROVE THE NOVEMBER 5, 2015, MEETING MINUTES AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

### NEW BUSINESS

1. CASE 16-05V – JON AND AMBER YOUNG – 2035 103<sup>RD</sup> AVENUE NW – SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 5.)

Housing Inspector Leah Drabczak reviewed the background on the case. She began with the original violation that occurred in May 2015 when the property owner sent in paperwork stating that the agent for the property had changed. Notification was sent to the new owner stating that the new crime free multi housing certificate must be submitted. Ms. Drabczak related that the new agent stated that the class he tried to enroll in was full and that his registration was returned. She stated that either the agent or the property owner needed to submit proof of class registration. She stated that when the account was reviewed again, the property remained in violation and, therefore, a \$300 penalty was charged. She noted that a second citation was issued; compliance not met by the required deadline and a second penalty in the amount of \$600 was charged. She noted that this penalty is not being considered at this time. She stated that she

received a copy of the certificate on January 5, 2016, by e-mail. She stated that staff recommends that the Board recommend affirming the \$300 special assessment in its entirety.

Chairman Vande Linde opened the public hearing at 6:38 p.m.

Property owner Amber Young agreed with the order in which the violations occurred, noting that they had obtained a new property manager and were not aware of the expiration of the license. She stated that once they were made aware of the violation, they contacted the property manager who stated that the matter would be taken care of. She stated that they were under the impression that the property manager had taken care of the violation until she spoke with City staff. She stated that the property manager told her that he had been in contact with City staff regarding the overbooked class in St. Louis Park and that he was not able to attend an alternate class. She stated that the property owner told her that he was not sure of a specific deadline, as it was his interpretation that the deadline, described as "ASAP", was vague.

Commissioner Bradley asked for the typical administrative backlog for the classes.

Ms. Drabczak stated that sometimes summer classes are more difficult to register for and that is why staff is flexible in allowing for registration for the class.

Commissioner Bradley asked if it would be typical to have a delay of 90 to 120 days to attend a class.

Ms. Drabczak stated that is not typical and explained that the dates of the other classes simply did not work for the agent. She stated that the requirement is that the agent or property owner takes the class.

Commissioner Bradley asked if the agent is part of a large company.

Ms. Young replied that there are two agents in the organization but her agent is the sole property manager for their property.

Neighborhood Coordinator Kristin Degrande stated that only the \$300 citation is being charged and appealed at this time, as the second citation has not fully been charged.

Commissioner Bradley asked if the property owner or property manager would need to register and attend the class.

Ms. Drabczak stated that the intent is that the direct property manager attend the class it provides useful information but noted that Code allows either the property manager or property owner fulfills the requirement. She stated that the agent could fulfill multiple property requirements by attending a class but confirmed that the agency acting as the agent did not possess the required certificate.

As no one further wished to speak, Chairman Vande Linde closed the public hearing at 6:49 p.m.

Commissioner Bradley stated that he would think the property owner should speak to their agent about reimbursing the cost because it was their fault that the fee was charged. It was the consensus of the Board that the City followed the proper course and steps.

Chairman Vande Linde stated that he has some discomfort with the fact that a new application triggered the violation but noted that it still took over five months for compliance.

Commissioner Bradley agreed that seven months seems excessive.

Commissioner Spano-Madden stated that it appeared odd that a company that manages properties would not have that certification.

Ms. Drabczak stated that she had asked if the agent possessed a certificate from another municipality but that was never provided.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-05V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

Ms. Young asked about the second citation fee of \$600 that she had been told was on hold.

Ms. Degrande stated that staff has discussed that violation and has decided to waive the fee.

Ms. Young thanked the Board members for their time tonight.

2. CASE 16-02V – MICHAEL HAPP – 11624 FOLEY BOULEVARD NW – SPECIAL ASSESSMENT OBJECTION

Housing Inspector Leah Drabczak reviewed the background on the case. She stated there is a long history of rental license violations on the property, noting that the license that expired on April 1 is actually the third violation for the property and a penalty of \$1,200 was charged. She stated that the property was posted as unlicensed and the property owner called City staff on October 31 stating that he would come into the City offices on November 2 with the renewal application. She stated that the application was received on November 19 and therefore staff recommendation is that the Board recommend that the special assessment be affirmed.

Chairman Vande Linde opened the public hearing at 7:01 p.m.

Michael Happ stated that he and his wife lived in the house at 11624 Foley Boulevard for many years and then moved into a new house at a time when the market for housing was not good and, therefore, they rented the subject house. He noted that have taken the crime free class and were simply not aware of the licensing. He stated that City staff has been very pleasant to work with and noted that he would not have let things go if he had known of the requirement.

Commissioner Bradley stated that at the time of the citations the City had an address in Hugo for the property owner and asked if that was current.

Mr. Happ stated that is his current address and that he did speak with the post office to determine if there had been any issue with mail.

Chairman Vande Linde stated that City staff stated that this has been a recurring theme, noting that past notes had been included in the packet dating back to 2011. He stated that perhaps the property owner was not sure that the license expires but noted that this seems to be a typical occurrence.

As no one further wished to speak, Chairman Vande Linde closed the public hearing at 7:06 p.m.

Chairman Vande Linde confirmed the consensus of the Board that there were no issues with the City's procedures and notices.

Commissioner Spano-Madden noted that Ms. Happ had taken the class and that she should have known to look for notices and license renewal information.

Commissioner Wigen stated that even if mail was not received the license is needed to be renewed each year and the property owner would be aware of that.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 16-02V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,200 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

3. CASE 16-01V – BOLA OJO-AKINWALE – 1787 132<sup>ND</sup> AVENUE NW – SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 1.)

Property Maintenance Inspector Heather Rodgers reviewed the background on the case. She stated action against began with the junk and debris violation in August 2015 and noted that upon reinspection, the property was not in compliance and a second citation was issued. She stated that again upon reinspection, the property was not in compliance and the violation on the property was abated. She recommended that the Board affirm the \$540 in its entirety.

Chairman Vande Linde stated that it appears that some of the junk and debris was part of the structure.

Ms. Rodgers noted there was a separate citation for exterior home maintenance that was corrected by the homeowner and, therefore, no the penalty was charged.

Commissioner Spano-Madden referenced the date of the letter and the time it would take to mail the citation and noted that it would not actually give the property owner seven days to comply.

Neighborhood Coordinator Kristin Degrande stated that prior to October 1, 2015, all citations, with the exception of the rental citations, have a seven-day compliance period. She stated that after October 1, the period was extended to ten days to allow time for mailing. She stated that City's goal is compliance and noted that if property owners responds, time extensions may be given.

Commissioner Thorup noted that if a property owner was having health or financial troubles it would be in their benefit to contact City staff, as staff would work with the property owner.

Chairman Vande Linde stated that usually there is an invoice for the abatement with details.

Ms. Degrande noted that a \$70 administrative fee would also be included in the total assessment.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-01V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$540 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

4. CASE 16-03V – JEREMEY GORDON – 9938 COTTONWOOD STREET NW – SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 3.)

Property Maintenance Inspector Heather Rodgers reviewed the background on the case. She stated that in August 2015 administrative citations were issued for exterior storage, truck and trailer storage, and home occupation standards. She stated that upon reinspection violations for exterior storage and truck and trailer storage were in compliance but that home occupation standards remained in violation and a penalty of \$300 was charged. She stated that a second citation was issued for home occupation standards and upon reinspection the property was still in violation and, therefore, the second penalty of \$600 was charged. She stated that a third citation was issued with a penalty for \$1,200 and after that citation City staff met with the property owner on site to discuss the violation. Upon reinspection the property was in compliance but, because this was the second violation, \$600 was charged. She provided information on a citation issued for improper garbage can location and a charge for excessive consumption of services, noting that when one of more inspections are performed at the same location within a consecutive 12-month period. A similar violation occurred on January 9, 2015.

Chairman Vande Linde stated that the property owner is not present tonight but did submit written correspondence for the record.

Commissioner Bradley asked what part of the home occupation ordinance was in violation.

Ms. Rodgers stated that the ordinance would be 11-304.2, which reads that no one is allowed to be transported from the premises to a job site that does not reside on the premises. She explained that complaints were received from neighbors that they were loading and unloading trailer and lawn equipment in the street and that employees would come to the property and leave their vehicles on the property and then return to the property and unload the equipment before leaving

the property. She stated that the registration for vehicles that were left at the property were run through the police department and that none of the vehicles belonged to the property owner.

Commissioner Bradley stated that he originally believed that perhaps this was more appropriately a parking violation but noted that this does appear to be an appropriate violation after hearing the description from staff.

Assistant City Attorney Melissa Westervelt provided additional details on the ordinance language.

Commissioner Bradley stated that it would be helpful to have the specific ordinance number in regard to the violation included in the Board packet for easier review.

Ms. Rodgers stated that she did include a copy of the ordinance with the violated section highlighted when she mailed out the three violations to the property owner.

Commissioner Thorup stated that a sheet regarding Augusta Green Lawns was included that references the business and property owner.

Ms. Rodgers confirmed that business is being run out of the home and that is why she included that in the packet.

Commissioner Thorup stated that it adds a layer of credibility that this is a home occupation business being run from the home.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-03V TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,660 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

5. CASE 16-04V – STEVEN AND DAWN VANDEWALKER – 12452 SYCAMORE STREET NW– SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 4.)

Property Maintenance Inspector Heather Rodgers reviewed the background on the case. She provided information on the citation that was issued for a boulevard encroachment. She noted that upon reinspection, the violation was corrected and, therefore, only half of the fee was charged. She stated that staff recommends that the Board recommend that the special assessment be affirmed.

Chairman Vande Linde stated that this is a basketball hoop on a cul-de-sac.

Ms. Rodgers stated that the home is actually the first home on the street and, therefore, not within the bulb of the cul-de-sac. She noted that if equipment is left out in the roadway it creates a problem for street sweeping and plowing, if in the winter.

Commissioner Thorup stated that having the equipment in the road also encourages unsafe behavior of playing in the street.

Commissioner Wigen asked for the time difference between violations for the violation to be considered “new” and the fine not doubled in amount.

Neighborhood Coordinator Kristin Degrande stated that 180 days must pass in order for the fee amount to reset.

Commissioner Wigen stated that the hoop could be pulled down and put away after use.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 16-04V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED 3-1-1 (Vande Linde opposed, Bradley abstained).

6. CASE 16-06V – CHIARA DAMIANI – 12213 UNITY STREET NW – SPECIAL ASSESSMENT OBJECTION

Neighborhood Coordinator Kristin Degrande reviewed the background on the case. She stated that three citations for long grass were issued for the property and provided details on the violations and reinspections. She stated that the owner referenced the growing season and stated that while the last violation was toward the end of the season, it was within the season and valid. She referenced the dates in the report and noted that the dates referenced are dates when the fees are charged and not the dates the citations were issued.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 16-06V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

7. CASE 16-07V – AARON HOWE – 10409 QUINN STREET NW – SPECIAL ASSESSMENT OBJECTION

Property Maintenance Inspector Trevor White reviewed the background on the case. He stated that the citation was issued for a junk vehicle displaying expired registration. He stated that the property owner called and left a message for staff; he noted that upon a return call from staff there was no answer by the property owner. He stated that upon reinspection, the issue had not been remedied and a second citation was issued. He stated that the property owner called staff, asked for an extension and signed an extension agreement. Mr. White stated that upon reinspection, the property was found to be in compliance and because this was the second violation, half of the fee was waived upon compliance. He recommended that the Board recommend that the special assessment be affirmed in its entirety.

Chairman Vande Linde stated that the written appeal from the property owner states that when he went to purchase registration he was told to wait until October 1<sup>st</sup> to avoid paying for two years registration. Chairman Vande Linde noted that is not correct information, as you would still have to pay for both years no matter when you paid for your registration.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, IN CASE 16-07V TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

8. CASE 16-08V – DON SMITH – 2030 115<sup>TH</sup> AVENUE NW– SPECIAL ASSESSMENT OBJECTION

Property Maintenance Inspector Trevor White reviewed the background on the case. He provided details on the citations that were issued for junk and debris and junk vehicle. He stated that upon reinspection the violations still existed and those penalties were affirmed at the hearing by the Board in October 2015. He stated that a round of second of citations were issued and upon reinspection, the violations remained. The property remained in violation and abatement occurred. He stated that staff recommends that the Board recommend that the special assessment be affirmed in its entirety.

Chairman Vande Linde asked what was abated, as he did not think that the City removes vehicles.

Mr. White provided details on the materials that were abated and advised that the vehicle was towed as well.

Neighborhood Coordinator Kristin Degrande stated that the last page of the packet provides photographs of the vehicle and materials that were abated.

Chairman Vande Linde referenced the trailer in the photograph and asked if that was abated.

Mr. White clarified that the trailer in the photograph belonged to the contractor that completed the abatement and not to the property owner.

Commissioner Bradley stated that he did not see documentation of the abatement itself in the packet showing the cost of the abatement.

Ms. Degrande stated that typically the abatement invoice is included in the packet but noted that staff did not include those invoices in the packet for this meeting. She apologized for the omission. She noted that the citations sent to the property owner are specific as to the materials that are cited in violation, such as lumber or scrap metal.

Commissioner Bradley stated that he was looking for details on the specific items and was concerned that the Board would be adopting a cost that would be assessed to the property owner without the specific details.

Mr. White left the meeting to retrieve a copy of the invoice from his office.

Chairman Vande Linde briefly recessed the meeting at 7:59 p.m.

Chairman Vande Linde reconvened the meeting at 8:03 p.m.

Chairman Vande Linde noted that the requested invoice had been provided by staff.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 16-08V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,687 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

9. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO ADJOURN THE MEETING AT 8:06 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,  
Amanda Staple  
Board of Adjustment and Appeals Secretary